

REMARKS

At the outset, Applicants wish to thank the Examiner for the courtesy of a telephonic interview on October 26, 2010. The participants in the interview included Examiner Catherine S. Hibbert and Sarah J. Fashena, Ph.D. (Agent for Applicants). During the course of the interview, clarifying amendments to the claims were discussed. Consensus was reached with regard to withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, and withdrawal of the issues raised in connection with Figure 9. The Examiner's suggestions with regard to clarifying claim amendments are greatly appreciated.

Claims 1-4, 7-10, 12, and 24-35 are pending. Claims 25 and 32 are amended herein to clarify the subject matter of the claims. Claims 1-4, 7-10, 12, 26, 28, and 33-35 are withdrawn from consideration. Claim 26 is withdrawn and amended herein. Claims 1-4, 7-10, 12, and 33-35 are canceled herein without prejudice. Accordingly, instant claims 24, 25, 27, and 29-32 are under consideration.

Any amendment, however, is not to be construed as abandonment of any subject matter of the originally filed application. Accordingly, it is to be understood that Applicants reserve the right to reintroduce subject matter deleted from the application by the foregoing amendments and to file one or more divisional, continuation, and/or continuation in part applications directed to such subject matter.

Support for amendment to the claims is found throughout the specification and in the original claims. More particularly, support for amendment to claims 25, 26, and 32 is found, for example, in original claims 25, 26, and 32. No issue of new matter is introduced by these amendments.

Drawings

With respect to the issues raised in connection with Figure 9, Applicants assert that the nucleotides shown therein do not represent a continuous nucleic acid sequence requiring a sequence identifier, but rather represent mutations at particular sites within the UACAU (U₁A₂C₃A₄U₅) cleavage sequences. Support for this assertion is found, for example, in paragraph [0272] of the specification as filed. As indicated in paragraph [0272], each particular mutation is indicated by an arrow, thereby designating the

position mutated within the UACAU cleavage sequence, the original nucleotide mutated and the nucleotide to which it is mutated. In Figure 9, these designators as to position and mutation serve as lane labels. The lane label “control”, for example, corresponds to lanes 1 and 2, wherein lane 1 is without MazF(His)₆ and lane 2 is with 2.6 μM MazF(His)₆ and the lane label “U₁▲G” (approximated herein) corresponds to lanes 3 and 4, wherein lane 3 is without MazF(His)₆ and lane 4 is with 2.6 μM MazF(His)₆. As such, it is believed that the indicated nucleotide mutations do not require sequence identifiers. Accordingly, it is believed that the issues raised in connection with Figure 9 have been addressed and should be withdrawn.

Sequence Compliance

A Substitute Sequence Listing is forwarded herewith that addresses the defects identified in the Validation Report of January 29, 2010 to which the present Office Action makes reference. No issue of new matter is hereby introduced.

Rejections under 35 U.S.C. § 112

Claims 24, 25, 27, and 29-32 are rejected under 35 U.S.C. § 112, first paragraph, for containing subject matter which was allegedly not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed method at the time the application was filed. Applicants respectfully disagree. Claims 25 and 32 are, however, amended herein to clarify the language of the claims. In view of the above, the rejection, as it applied to pending claims 24, 25, 27, and 29-32 is respectfully traversed.

This rejection appears to be based on recitation of the phrase “or a functional fragment thereof” in the claims. Responsive thereto, the instant claims are amended to delete this language.

In light of the above, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 24, 25, 27, and 29-32 under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement.

Fees

No additional fees are believed to be necessitated by this amendment. However, should this be an error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overpayment.

Conclusion

It is submitted, therefore, that the claims are in condition for allowance. No new matter has been introduced. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. In the event that there are any questions concerning this amendment, or application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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Date: October 28, 2010

Enclosures: Petition for a Three Month Extension of Time
Substitute Sequence Listing (paper copy and CRF), Amendment directing entry of same into Specification, and Statement in Support thereof